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Sen. Thomas Wyss, Chairperson  
Sen. Travis Holdman  
Sen. Ryan Mishler  
Sen. Jean Breaux  
Sen. John Broden  
Sen. Lindel Hume  
Rep. Terri Austin, Vice-Chairperson  
Rep. Joe Micon  
Rep. Sandra Blanton  
Rep. Thomas Knollman  
Rep. Phil Hinkle  
Rep. Robert Cherry



# **INTERIM STUDY COMMITTEE ON LEARNER'S PERMITS AND GRADUATED DRIVER'S LICENSES**

**LSA Staff:**

Susan Montgomery, Attorney for the Committee  
James Sperlik, Fiscal Analyst for the Committee

**Authority:** P.L. 24-2008 (HEA 1112-2008)

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## **MEETING MINUTES<sup>1</sup>**

**Meeting Date:** October 14, 2008  
**Meeting Time:** 10:00 A.M.  
**Meeting Place:** State House, 200 W. Washington  
St., Room 233  
**Meeting City:** Indianapolis, Indiana  
**Meeting Number:** 3

**Members Present:** Sen. Thomas Wyss, Chairperson; Sen. Travis Holdman; Sen. Ryan Mishler; Rep. Joe Micon; Rep. Thomas Knollman; Rep. Phil Hinkle; Rep. Robert Cherry.

**Members Absent:** Sen. Jean Breaux; Sen. John Broden; Sen. Lindel Hume; Rep. Terri Austin, Vice-Chairperson; Rep. Sandra Blanton.

Chairperson Wyss called the meeting to order at 10:20 a.m. The Committee members and the Legislative Services Agency staff introduced themselves.

1. Sarah Meyer, Legislative Liaison, Bureau of Motor Vehicles

Pursuant to the Committee's request at its last meeting, Ms. Meyer furnished financial data

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

concerning proposed stickers to be displayed on a motor vehicle to indicate that a newly licensed individual is driving (Exhibit A). Her figures showed a potential cost of \$0.50 to \$1.00 per sticker in a run of about 25,000 units. These figures do not include shipping or programming. Senator Holdman hoped that insurance companies, hospitals, and schools might step in to help distribute the indication of newly licensed drivers.

## 2. Sherry Deane, American Automobile Association

Ms. Deane appeared in order to provide information that she had been asked to research at the last meeting of the Committee. She believed that as of yet no states have passed legislation requiring an indication on a motor vehicle of new driver status, but she knew that there are several foreign countries that do require such an indication. She believed that New Jersey and Colorado have pending bills on this subject. She has heard concerns that such an indication might subject new drivers to insurance fraud, in that other drivers might see the indication and hit the car deliberately. She believed that law enforcement would wish the indication to be required on both the front and back of the vehicle. She urged the Committee to consider recommending a prohibition on the use of electronic communication devices by teen drivers, and felt handsfree devices still are a distraction to the driver (Exhibit B). A discussion then ensued regarding the use of iPods and MP3s by drivers. Ms. Deane felt that a Global Positioning System (GPS) is a useful tool for a driver.

## 3. Representative Cleo Duncan

Representative Duncan was in Athens, Greece, last year and noticed that vehicles had suction cups in the back window with "N" displayed. She was told the suction cup's letter signified a new driver and cautioned other vehicles to take special care. She liked the idea that the cup could be used on more than one vehicle, and believed that if Indiana uses the same device, the suction cup could be returned to the Bureau of Motor Vehicles when the required period for display had ended.

## 4. Commissioner Marc Rothenberg, Criminal Court 13, Marion County, Indiana

Commissioner Rothenberg presides over the Marion County Traffic Court, with 10,000 to 15,000 cases heard in a year. In answer to Representative Hinkle, the Commissioner stated that he does not see many juveniles before him on the bench, so he does not know whether prohibiting handheld communications devices by younger drivers might aid in traffic safety.

The Commissioner does hear from police officers that often an individual is using a cell phone when stopped for speeding or involved in an accident. Discussion ensued concerning pretrial diversion programs for drivers. The Commissioner explained that discretion to set up pretrial diversion is up to the prosecutor. In response to Chairman Wyss, the Commissioner agreed that denying pretrial diversion to a probationary driver would possibly change driving behavior by younger drivers. Under current law, after a moving violation, the Commissioner has the authority to place an individual on probation for up to one year or make the individual take a defensive driving course. The Commissioner has seen 18 year olds who have acquired up to seven speeding tickets during the short time that they have been licensed. Concern was raised about the timely interaction between court records and those of the Bureau of Motor Vehicles if changes to the law concerning moving violations and convictions were made.

## 5. Gary Baxter, A-Auto Driving School

Mr. Baxter is a driver's education teacher. He recounted that many teens come to his

school with absolutely no driving experience at home, not even observational knowledge from the parents. He believed that to save lives, driver's education should be mandated to be offered as a part of the high school curriculum. He also believed that the driving age should rise to either 17 or better still 18, as in many other countries. He offered his opinion that cell phones are a distraction even if in a purse or pocket, because the driver fumbles to get those open to answer the phone.

#### 6. PD 3283-2009

The Committee considered PD 3283 (Exhibit C). Regarding the issue of a probationary driver being required to show some identifier on a motor vehicle as to the new driver's status, the Committee decided to delete page 6, line 30 in its entirety, to delete the words "a placard with" from line 29, and to delete "vehicle" from line 31. The inserted wording should be "identifying indicia". Further, on line 32, after "displayed," the Committee agreed to insert "as adopted by rule under IC 4-22-2,". The new language will read "(4) During the one hundred eighty days (180) after the issuance of the probationary license, the individual may operate a motor vehicle only if the motor vehicle bears identifying indicia that indicates that the individual is newly licensed. The bureau shall determine the indicator to be displayed, as adopted by rule under IC 4-22-2, in conformance with IC 9-19-19-3(b)". Representative Cherry moved that these changes be made, Representative Micon seconded, and the motion was adopted by voice vote.

The Committee discussed the issue of "handheld telecommunications devices" and their use by probationary drivers. Representative Hinkle moved, and Representative Knollman seconded, that on page 4, line 40, the word "handheld" be deleted and "telecommunications" be inserted. On page 4, line 41, "that is held in" should be deleted with a "." inserted after "device", and line 42 should be deleted. Further, the motion included the deletion of "handheld" on page 6, line 44, and the insertion of the word "telecommunications ". The new language will read "Sec. 0.5. As used in this chapter, "telecommunications device" means an electronic or a digital communications device.". The motion passed by voice vote. Susan Montgomery, attorney for the Committee, cautioned that "SECTION 2" beginning on page 2, line 18 would have to be amended to reflect this new language and would need to be renumbered to account for the alphabetical difference in the term. The Committee agreed to this amendment.

Senator Holdman moved and Chairperson Wyss seconded a motion to add language to the Preliminary Draft to prohibit an individual holding a probationary license from pretrial diversion for a traffic offense. The motion carried by voice vote. Counsel was directed to place this language in the final bill.

With the changes noted above, upon a motion from Representative Micon and seconded by Senator Holdman, the Committee voted to recommend Preliminary Draft 3283.

#### 7. PD 3272-2009

Representative Hinkle moved and Representative Cherry seconded that PD 3272 (Exhibit D) be recommended by the Committee to be introduced without amendment for the 2009 Session. The motion passed by voice vote.

#### 8. Anne Doran, Property Casualty Insurers Association of Indiana

Ms. Doran praised the Committee for proposing good drafts that should go forward. She looks forward to the 2009 Session, and appreciates the work that the Committee did during the interim.

After thanking Representative Micon for having authored HB 1112-2008 and wishing him well on his retirement from the House of Representatives, Chairperson Wyss adjourned the meeting at 11:45 a.m.